

Journal of the House

Wednesday, February 20, 2013

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Mark Pitton of Bethany Church, Montpelier, Vt.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 300

By Reps. Toleno of Brattleboro and Michelsen of Hardwick,

House bill, entitled

An act relating to commercial catering licenses;

To the committee on General, Housing and Military Affairs.

H. 301

By Reps. Nuovo of Middlebury, Batchelor of Derby, Buxton of Tunbridge, Carr of Brandon, Cheney of Norwich, Cole of Burlington, Davis of Washington, Donahue of Northfield, Ellis of Waterbury, Fisher of Lincoln, French of Randolph, Gallivan of Chittenden, Haas of Rochester, Lanpher of Vergennes, Manwaring of Wilmington, Martin of Springfield, McCullough of Williston, Moran of Wardsboro, Mrowicki of Putney, Pearson of Burlington, Ralston of Middlebury, Ram of Burlington, Russell of Rutland City, Sharpe of Bristol, Smith of New Haven, Stuart of Brattleboro, Till of Jericho, Townsend of South Burlington, Van Wyck of Ferrisburgh, Weed of Enosburgh and Wizowaty of Burlington,

House bill, entitled

An act relating to a task force on direct care workers;

To the committee on Human Services.

H. 302

By Rep. Cross of Winooski,

House bill, entitled

An act relating to establishing an F-35A Adverse Impacts Compensation Board and Compensation Fund;

To the committee on General, Housing and Military Affairs.

H. 303

By Reps. Partridge of Windham and Trieber of Rockingham,

House bill, entitled

An act relating to the promotion of tourism and economic development in the Connecticut River Valley;

To the committee on Commerce and Economic Development.

H. 304

By Reps. Krowinski of Burlington, Cole of Burlington and Wizowaty of Burlington,

House bill, entitled

An act relating to health insurance coverage for persons who are transgender;

To the committee on Health Care.

H. 305

By Rep. Cheney of Norwich,

House bill, entitled

An act relating to requiring the installation of an ignition interlock device as a condition to license reinstatement;

To the committee on Judiciary.

H. 306

By Reps. Burke of Brattleboro, Gallivan of Chittenden, Lanpher of Vergennes and Russell of Rutland City,

House bill, entitled

An act relating to penalties for speeding in school zones;

To the committee on Transportation.

H. 307

By Reps. Bouchard of Colchester, Batchelor of Derby, Branagan of Georgia, Buxton of Tunbridge, Devereux of Mount Holly, Hebert of Vernon, Helm of Fair Haven and Myers of Essex,

House bill, entitled

An act relating to abolishing adverse possession actions;

To the committee on Judiciary.

H. 308

By Reps. Krowinski of Burlington, Burke of Brattleboro, Clarkson of Woodstock, Cupoli of Rutland City, Fagan of Rutland City, Gallivan of Chittenden, Lanpher of Vergennes, Ram of Burlington and Yantachka of Charlotte,

House bill, entitled

An act relating to investigating cosmetics;

To the committee on Human Services.

H. 309

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to limiting the amount a custodian may charge for paperless copies of medical records;

To the committee on Health Care.

H. 310

By Reps. Poirier of Barre City and Moran of Wardsboro,

House bill, entitled

An act relating to health care coverage in existing collective bargaining agreements;

To the committee on Health Care.

H. 311

By Rep. Browning of Arlington,

House bill, entitled

An act relating to health care professionals' rates and practice locations;

To the committee on Health Care.

H. 312

By Rep. Browning of Arlington,

House bill, entitled

An act relating to siting of electric generation facilities;

To the committee on Natural Resources and Energy.

H. 313

By Rep. Browning of Arlington,

House bill, entitled

An act relating to siting of electric generation facilities;

To the committee on Natural Resources and Energy.

Joint Resolution Referred to Committee

J.R.S. 14

By Committee on Agriculture,

J.R.S. 14. Joint resolution supporting the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont.

Whereas, maple sugaring is important economically and culturally in Vermont, and

Whereas, the special status in Vermont of maple-flavored products is epitomized in 1 V.S.A. § 510, designating maple from the Vermont sugar maple tree as the state flavor, and

Whereas, the Agency of Agriculture, Food and Markets (the Agency) has estimated that in the year 2000, there were 2,000 maple syrup producers operating one million taps, and the comparable estimates for the year 2012 were 3,000 producers and 3.3 million taps, and

Whereas, the Agency further reported that with new technology, the average tap, over the course of a sugaring season, now yields approximately one-half gallon of maple syrup, double the former standard of one quart per tap, and

Whereas, according to the U.S. Department of Agriculture (USDA), Vermont exceeds any other American state in the production of maple syrup as indicated by the fact that in 2012, 750,000 gallons of maple syrup were produced in the State while the nearest competitors, Maine and New York, each produced 360,000 gallons, and

Whereas, the USDA also indicates that the revenue derived nationally from Vermont maple syrup sales in 2011 was approximately \$39.9 million,

representing more than one-third of all sales of maple syrup produced in the United States, and

Whereas, these production and revenue statistics demonstrate the importance to our State's economy of Vermont maple syrup sales beyond the State's borders, and

Whereas, historically, Vermont has used a system of grading unique to this State which is familiar to in-state purchasers of Vermont maple syrup, and

Whereas, although Vermont maple syrup producers are proud of the State's unique maple grading standards, Vermont should adopt the international standards in order to enable our state to remain the nation's leading source for maple syrup, and

Whereas, the Agency is initiating a rule adoption process to adopt the international standards, and

Whereas, the Agency's proposal would preserve important marketing attributes of Vermont maple syrup, including the retention of the existing density requirement which is higher than the standard of any other state or Canadian province and the inclusion of the word Vermont on the label as is presently required; and for sales within Vermont, maple syrup producers would be allowed to list both the international and traditional Vermont grades, and

Whereas, the 1,000-member Vermont Maple Sugar Makers' Association, the Vermont Maple Industry Council, the Franklin County Sugar Makers' Association, and the Vermont Farm Bureau are each supportive of the Agency's adoption of the international maple grading standard, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly supports the Agency of Agriculture, Food and Markets' proposal to adopt an administrative rule to implement international maple grading standards in Vermont, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Chuck Ross, Secretary of Agriculture, Food and Markets, to the Vermont Maple Sugar Makers' Association, to the Franklin County Maple Sugar Makers' Association, to the Vermont Agricultural and Forest Product Development Board, and to the Vermont Farm Bureau.

Which was read and referred to the Committee on Agriculture.

Joint Resolution Adopted in Concurrence**J.R.S. 16**

By Senator Baruth and Benning,

J.R.S. 16. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 22, 2013, it be to meet again no later than Tuesday, February 26, 2013.

Was taken up read and adopted in concurrence.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 126**

Rep. Sweaney of Windsor moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to public inspection of electronic control devices used by law enforcement officers

And that the bill be committed to the committee on Judiciary, which was agreed to.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****H. 143**

Rep. Sweaney of Windsor moved that the committee on Government Operations be relieved of House bill, entitled

An act relating to municipal land use bylaws and residential care or group homes

And that the bill be committed to the committee on Fish, Wildlife & Water Resources, which was agreed to.

Bill Read Second Time; Third Reading Ordered**H. 265**

Rep. Sharpe of Bristol spoke for the committee on Ways and Means.

House bill entitled

An act relating to the education property tax rates and base education amount for fiscal year 2014

Rep. Manwaring of Wilmington, for the committee on Appropriations, recommended that the bill ought to pass.

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be read a third time? **Rep. Savage of Swanton** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill be read a third time? was decided in the affirmative. Yeas, 96. Nays, 45.

Those who voted in the affirmative are:

Ancel of Calais	Grad of Moretown	O'Brien of Richmond
Bartholomew of Hartland	Haas of Rochester	O'Sullivan of Burlington
Bissonnette of Winooski	Head of South Burlington	Partridge of Windham
Botzow of Pownal	Heath of Westford	Pearson of Burlington
Branagan of Georgia	Hooper of Montpelier	Peltz of Woodbury
Burke of Brattleboro	Huntley of Cavendish	Poirier of Barre City
Buxton of Tunbridge	Jerman of Essex	Potter of Clarendon
Campion of Bennington	Jewett of Ripton	Pugh of South Burlington
Carr of Brandon	Johnson of South Hero	Rachelson of Burlington
Cheney of Norwich	Keenan of St. Albans City	Ralston of Middlebury
Christie of Hartford	Kitzmiller of Montpelier	Ram of Burlington
Clarkson of Woodstock	Klein of East Montpelier	Russell of Rutland City
Cole of Burlington	Krebs of South Hero	Sharpe of Bristol
Condon of Colchester	Krowinski of Burlington	Stevens of Waterbury
Connor of Fairfield	Kupersmith of South Burlington	Stevens of Shoreham
Conquest of Newbury	Lanpher of Vergennes	Stuart of Brattleboro
Consejo of Sheldon	Lenes of Shelburne	Sweaney of Windsor
Copeland-Hanzas of Bradford	Lippert of Hinesburg	Taylor of Barre City
Corcoran of Bennington	Macaig of Williston	Till of Jericho
Cross of Winooski	Malcolm of Pawlet	Toll of Danville
Dakin of Chester	Manwaring of Wilmington	Townsend of Randolph
Deen of Westminster	Marek of Newfane *	Townsend of South Burlington
Donovan of Burlington	Martin of Wolcott	Trieber of Rockingham
Ellis of Waterbury	Masland of Thetford	Vowinkel of Wilder
Emmons of Springfield	McCarthy of St. Albans City	Waite-Simpson of Essex
Evans of Essex	McCormack of Burlington	Webb of Shelburne
Fay of St. Johnsbury	McCullough of Williston	Weed of Enosburgh
Feltus of Lyndon	Michelsen of Hardwick	Wilson of Manchester
Fisher of Lincoln	Miller of Shaftsbury	Wizowaty of Burlington
Frank of Underhill	Mook of Bennington	Woodward of Johnson
French of Randolph	Mrowicki of Putney	Yantachka of Charlotte
Gallivan of Chittenden	Nuovo of Middlebury	Zagar of Barnard

Those who voted in the negative are:

Batchelor of Derby	Helm of Fair Haven	Quimby of Concord
Beyor of Highgate	Higley of Lowell	Savage of Swanton
Brennan of Colchester	Hubert of Milton	Scheuermann of Stowe
Browning of Arlington	Johnson of Canaan	Shaw of Pittsford
Burditt of West Rutland	Juskiewicz of Cambridge	Shaw of Derby
Canfield of Fair Haven	Koch of Barre Town	Smith of New Haven
Davis of Washington	Komline of Dorset	South of St. Johnsbury
Devereux of Mount Holly	Larocque of Barnet	Strong of Albany
Dickinson of St. Albans Town	Lewis of Berlin	Terenzini of Rutland Town
Donaghy of Poultney	Marcotte of Coventry	Turner of Milton *
Donahue of Northfield	McFaun of Barre Town	Van Wyck of Ferrisburgh
Fagan of Rutland City	Mitchell of Fairfax	Winters of Williamstown
Goodwin of Weston	Moran of Wardsboro	Wright of Burlington
Greshin of Warren	Morrissey of Bennington	Young of Glover
Hebert of Vernon	Myers of Essex	
	Pearce of Richford	

Those members absent with leave of the House and not voting are:

Bouchard of Colchester	Kilmartin of Newport City	Spengler of Colchester
Cupoli of Rutland City	Lawrence of Lyndon	Toleno of Brattleboro
Gage of Rutland City	Martin of Springfield	

Rep. Marek of Newfane explained his vote as follows:

“Mr. Speaker:

All of us like good education and none of us like paying for it. If anyone knows of a method better than the one we have, let them propose it. All that is required is that it be constitutional, that it raise sufficient funds and that it convince a majority that it actually is better. I have waited for 10 years for one of the critics to present that but somehow I never actually see it.”

Rep. Turner of Milton explained his vote as follows:

“Mr. Speaker:

A five cent increase in the tax rate this year and potentially a ten or even fifteen cent increase next year just to maintain the funding for programs that we currently require our schools to deliver is not acceptable to me. A vote to increase the statewide education property tax rate today does not address the underlying spending problem with our education system. Vermont education spending is growing at a pace far greater than that of the revenue sources needed to fund it. This has been blamed on the school boards, the voters or even the Governor (no matter what party he/she might be from). Yes, the school boards have made some choices, the voters have a choice to support the

budget or not and the Governor can choose to fully fund the transfer from the general fund to education fund or not. All of which have occurred in the recent past. However, the policies adopted by this body have had a direct impact on what it costs to operate our schools as well. Ultimately this body has the obligation and the authority to address this problem in a manner that will put us back on a sustainable spending path. I feel that it is essential for this body to recognize that we cannot continue turning a blind eye to the real problem and accept responsibility for addressing it. Providing small school grants while encouraging consolidation is contradictory. Maintaining the current student/teacher ratios is not possible. Adding new programs or more unfunded mandates should not be an option. Increasing property tax rates and other revenue sources does not address the true and underlying problem of unsustainable growth in spending. Therefore, I cannot support this tax rate increase. Thank you.”

**Committee Relieved of Consideration
and Resolution Committed to Other Committee**

J.R.H. 5

Rep. Klein of East Montpelier moved that the committee on Natural Resources and Energy be relieved of Joint resolution, entitled

Joint resolution opposing the transmission of oil derived from tar sands, also known as bitumen, through Vermont via the Portland-Montreal Pipe Line system

And that the resolution be committed to the committee on Fish, Wildlife & Water Resources, which was agreed to.

Adjournment

At three o'clock minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.